



## DEPARTMENT OF COMMERCE **Patent and Trademark Office**

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Washington, D.C. 20231

FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO 09/462,502 01/24/00 KONDO Υ 10641-0001-3 **EXAMINER** IM52/0925 OBLON SPIVAK MCCLELLAND SIMONE MAIER & NEUSTADT **ART UNIT** PAPER NUMBER 1755 JEFFERSON DAVIS HIGHWAY FOURTH FLOOR 1772 ARLINGTON VA 22202 **DATE MAILED:** 09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Application No.  Office Action Summary    Display	- *				
Examiner    Art Unit   Catherine   Simone   1772	Office Action Summary		Application No.	Applicant(s)	
Catherine Simone  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Extractions of time may be available under the bronches of 37 CFR 1 139(a). In no event, however, may a reply be timely filled sheet as its glowlers from the mining date of this communication If the period for reply specified above is less than this (30) days, a sept whith the above dependence of the property of the period for reply specified sheet is less than this (30) days, a sept whith the set or actived past of the communication If the period for reply specified sheet is less than this (30) days, a sept whith the set or actived past of the communication If the period for reply specified sheet is less than the mining date of this communication Failure to reply which the set or detended past of the reply life, whather, such as peptiacistion because ASAMOWED TO U.S. 5, 133) Any reply received by the Office lises than these member after the mailing date of this communication, even if timely filed, may reduce any - Status.  - This action is FINAL 2b (3) This action is non-final.  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - 4(S) Claim(s) 1.20 lise pending in the application 4a) Of the above claim(s) is/are allowed 5(Claim(s) 1.520 lise are pending in the application 4a) Claim(s) 1.520 lise are expected to 5(Claim(s) 1.520 are subject to the text of the provision of the provisio			09/462,502	KONDO ET AL.	
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Application/Control Number: 09/462,502

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Bx 1 { III.

Claims1-13 and 19, drawn to a panel for an airbag comprising a joint portion, classified in class 428, subclass 57.

Claims 14-17, drawn to a panel for an airbag comprising of a deformation restricting portion, classified in class 428, subclass 192.

Claim 18, drawn to a panel for an airbag comprising of a crack preventing layer, classified in class 428, subclass 195.

Claim 20, drawn to a method for producing a panel for an airbag, classified in class 264, subclass 297.2.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions claimed are both panels for airbags that are distinctive from each other. Invention I comprises of a joint portion whereas Invention II comprises of a deformation restricting portion.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

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the instant case the different inventions claimed are both panels for airbags that are distinctive from each other. Invention II comprises of a deformation restricting portion whereas Invention III comprises of a crack preventing layer.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions claimed are both panels for airbags that are distinctive from each other. Invention I comprises of a joint portion whereas Invention III comprises of a crack preventing layer.

Inventions I, II, III, and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed in each of the Inventions (I, II, and III) can be made by another and materially different process without the steps of the Group IV process i.e. preparing a thermoplastic material having compatibility as the synthetic resin etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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This application contains claims directed to the following patentably distinct species of the claimed invention: Invention I, II, and III, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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A telephone call was made to Surinder Sacher on September 19, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-1171. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Catherine Simone Examiner Art Unit 1772 September 20, 2001

HAROLD PYON SUPERVISORY PATENT EXAMINER 9/20/01